

Application No.: 10/627,810
Group Art Unit: 2833
Examiner: Ann M.. MCCAMEY

REMARKS

Claims 1-3 have been amended to improve the clarity of the claimed subject matter and to bring the claims into conformity with U.S. practice and format, and to place the application fully in condition for allowance. All of the amendments are fully supported by the original disclosure of this application and therefore do not constitute the introduction of any new matter into this case. The original Abstract has been amended to provide a more concise summary of the disclosure in accordance with U.S. practice format.

Claims 1-7 remain pending upon entry of the amendments to the claims above.

Claim Rejections under 35 U.S.C. § 112

Claims 6 and 7 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner indicated that the "two recessed members" claimed in claim 6 appears redundant in view of the indentation and L-shaped recess recited in claim 1. The first indentation (230) and the L-shaped recess (232) of claim 1 does not correspond to the two recessed members (25) claimed in claim 6. Figures 3 and 4 of the application better illustrate these separate elements. In view of the remarks above, withdrawal of this objection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 1-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's admitted prior art AAPA in view of U.S. 4,037,026 (Mabuchi). Applicant respectfully traverses this rejection.

Applicant most respectfully wishes to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP. MPEP § 2131 states that to establish a prima facie case of obviousness, three basic criteria

must be met. First there must be some suggestion or motivation, either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teachings of the reference. Second, there must be a reasonable expectation of success for the modification. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP § 2143.03 states that all claimed limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art". *In re Wilson* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *In re Fine* 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicant also most respectfully directs the Examiner's attention to MPEP § 2144.08 which states that Office Personnel should consider all rebuttal argument and evidence presented by the Applicant. *In re Soni*, 54 F.3d 746, 750, 34 USPQ2d 1684, 1687 (Fed. Cir. 1995) (error not to consider evidence presented in the specification).

The Examiner indicated that the base reference to AAPA teaches all of the claimed elements, except for the cell groove being configured such that a plurality of cells can be installed sequentially in the cell groove by passing through a single opening. The Examiner seeks to modify the base reference to AAPA according to the teachings of Mabuchi which shows an end-two-end battery configuration.

As illustrated in Figs. 3 and 4 of the application, the first seat (23) of the claimed invention is provided at one end of a cell groove (22) adjacent to a first opening (20) and comprises a first indentation (230) at one end thereof and distal from the cell groove

(22). The first indentation (230) is in communication with the inside of the first seat (23). The first seat (23) further includes a first inclined protrusion (231) having a predetermined length obliquely projected away from the first indentation (230), and an L-shaped recess (232) at one side of the first seat (23) adjacent to the first indentation (230). Thus, a helical body (30) of an electrical contact (3) can be fastened in the first seat (23) via the first inclined protrusion (231) when being inserted through the first indentation (230) into the first seat (23). An elongated extension (31) having a predetermined length extended away from the body (30) of the electrical contact (3), as illustrated in Figure 5A, is then obliquely projected away from the first indentation (230), and is placed in an L-shaped recess (232) and fastened at one end of a horizontal hole of the L-shaped recess (232) by its elasticity after having been inserted through a vertical hole thereof into the horizontal hole. Therefore, the electrical contact (3) will not disengage from its fastened position due to vibration or collusion during transport of the seat mechanism.

Applicant respectfully submits that the base reference to AAPA, as modified by Mabuchi, does not teach, disclose or suggest all of the claimed elements, including a first seat (23 of the claimed invention) including a first indentation (230) at one end thereof and distal from the cell groove (22), as well as an L-shaped recess including a vertical hole, and a horizontal hole in communication with the vertical hole, in conjunction with the other claimed elements.

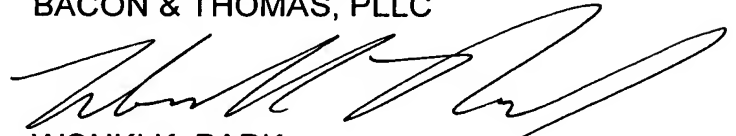
In view of the amendments to the claims, and the remarks above, withdrawal of this rejection is respectfully requested.

In summary, it is respectfully submitted that none of the prior art individually or collectively shows the invention as claimed. Accordingly, withdrawal of the rejection of the claims appears to be warranted and the same is respectfully requested. In the event there are any outstanding matters remaining in the present application which can be

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resolved by a telephone call or facsimile communication to Applicant's Attorney, the Examiner is invited to contact the undersigned by telephone or facsimile at the numbers provided below.

Respectfully submitted,
BACON & THOMAS, PLLC



WONKI K. PARK
Attorney for Applicant
Registration No. 38,991

Date: July 9, 2004

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: 703-683-0500
Facsimile: 703-683-1080

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